IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9656/07
Noor Mohammad & Ors. Vs. Court of Civil Judge (JD), Chomu, Distt. Jaipur & Ors.

Date of order : 3/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri K.C. Sharma for the petitioner.

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The plaintiff-petitioners have challenged the order dated 9.10.2007 whereby their appeal against the judgment dated 17.7.2007 rejecting the temporary injunction application was dismissed.

Learned counsel for the petitioners has argued that the possession of the predecessor-in-title of the defendant on the land measuring 20 feet x 17 feet adjoining his house was regularised on his asserting before the Gram Panchayat that this land was in his possession

since the times of his father. On that ground, learned counsel submits that petitioners' father Peer Baksh was also father and grandfather of the plaintiff therefore they also equally entitled to allotment of that land.

On perusal of the impugned order and the other material forming part of the record, it is noticed that the resolution was passed for regularization of land in favour of the respondent by the Gram Panchayat. The resolution was passed on 6.12.2005. Merely because the respondent in his application has mentioned that the aforesaid land was in his possession since the times of his ancestors, does not prove that the petitioners are also in possession of the said property. Besides the fact remains that the

aforesaid property was adjoining the plot of the respondent. The learned first appellate court has therefore in my considered view did not commit any mistake in reversing the order of injunction passed by the trial court.

I therefore do not find any merit in this writ petition.

The writ petition is dismissed.

(MOHAMMAD RAFIQ), J.

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